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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 2,280,179)

Date of Issue: September 21, 1999)

FOOT AND ANKLE CLINICS OF
AMERICA, INC.)

Petitioner,)

v.)

FOOT & ANKLE CENTERS OF
AMERICA, INC.)

Respondent.)

Cancellation No.: _____

PETITION FOR CANCELLATION

06-27-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #11

Petitioner, Foot and Ankle Clinics of America, Inc., an Illinois corporation, located and doing business at 1644 East 53rd Street, Chicago, Illinois 60615, believes that it is, and will continue to be, damaged by Registration Number 2,280,179, and hereby petitions to cancel said registration.

As grounds for cancellation, it is alleged that:

1. For years, petitioner has been engaged, inter alia, in offering podiatric services, namely, medical and surgical services, physical therapy services, physical rehabilitation services, medical testing services, orthotics services, and clinics ("Services").

Certificate of Express Mail Under 37 CFR 1.10

"Express Mail" mailing label number: EV160295804 US

Date of Deposit: June 26, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513

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2. Petitioner has continuously used the trademark FOOT & ANKLE CLINICS OF AMERICA for the Services since as early as April, 1991.

3. Petitioner has expended considerable effort and expense in promoting its FOOT & ANKLE CLINICS OF AMERICA trademark and the services sold there under, and, as a result, the purchasing public has come to know, rely upon and recognize the Services of petitioner by its mark. Petitioner owns a very valuable goodwill represented by its mark.

4. Upon information and belief, respondent is engaged in the business of offering podiatric medical services.

5. Respondent owns Registration Number 2,280,179 for the trademark FOOT & ANKLE CENTERS OF AMERICA for business management for others of podiatric medical services, which registration was granted on September 21, 1999.

6. Upon information and belief, respondent did not use the trademark FOOT & ANKLE CENTERS OF AMERICA prior to June 1, 1998.

7. Use by respondent of the trademark FOOT & ANKLE CENTERS OF AMERICA for podiatric medical services is likely to confuse the purchasing public as to the source of respondent's services in violation of Section 2(d) of the United States Trademark Act. 15 U.S.C. § 1052(d).

WHEREFORE, petitioner believes that it is or will be damaged by Registration Number 2,280,179 and petitions to cancel the same.

Petitioner hereby submits a check in the amount of \$300.00 covering the requisite filing fee. Please deduct any underpayment from, or credit any

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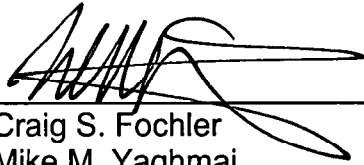
overpayment to, the deposit account of Wildman, Harrold, Allen & Dixon, Account No. 23-2126.

Please address all communications to Craig S. Fochler, Wildman, Harrold, Allen & Dixon, 225 West Wacker Drive, Chicago, Illinois 60606-1229; telephone: (312) 201-2000.

Respectfully submitted,

WILDMAN, HARROLD, ALLEN & DIXON

Dated: June 26, 2003



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